

UNITED STATES DISTRICT COURT

for the

_____ District of _____

United States of America

v.

Case No. 22-MJ-897

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Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of _____ in the county of _____ in the

_____ District of _____, the defendant(s) violated:

*Code Section**Offense Description*

This criminal complaint is based on these facts:

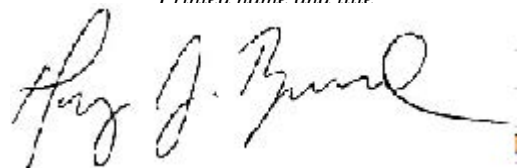
☐ Continued on the attached sheet.*Hunter Westbrook**Complainant's signature*

telephonically and signed electronically.

Sworn to ~~before me and signed in my presence.~~

Date: June 11, 2022

City and state: _____

Printed name and title*Judge's signature**Printed name and title*

UNITED STATES OF AMERICA

V

STOOL, Mark Elliot (DOB: 10/31/1956)

1. I am a Police Officer with the University of Texas San Antonio Police Department where I have been commissioned for approximately three years. I have been a Texas Peace officer since 2012 and have been assigned to the DEA, San Antonio District Office located in San Antonio, Texas since January 2017. I am currently assigned as a Task Force Officer to the DEA San Antonio District Office in San Antonio, Texas. I have participated in numerous narcotics investigations. I am familiar with the ways in which drug traffickers conduct their business, including, but not limited to, their methods of importing, concealing, packaging, diluting (cutting) and distributing controlled substances, their use of cellular telephone and short message service (SMS) / text message, and their use of code words to conduct their illegal activities. I know how drug traffickers collect, transport, secrete and launder proceeds derived from drug distribution. I am familiar with the documents generated through all of these illegal activities. I have executed numerous search warrants in my career.
2. Since May of 2022, DEA San Antonio and the San Antonio Police Department have been investigated the Mark STOOL DTO that is responsible for the distribution of fentanyl and Methamphetamine in San Antonio, TX. During the course of this investigation, agents have learned of multiple individuals who have overdosed on fentanyl, methamphetamine, and heroin at STOOL's residence.

3. On February 26, 2022, San Antonio Police Officers were dispatched to 1351 Lockhill Selma, San Antonio, Texas, for an overdose resulting in death. Upon arrival, officers contacted Mark STOOL inside the residence. The deceased male, J.L. (DOB: 11/26/1956), was lying on the floor of STOOL'S living room. STOOL advised officers that he and J.L. were ingesting methamphetamine that morning, fell asleep and when STOOL awoke, J.L. was unresponsive. STOOL then contacted law enforcement. The Bexar County Medical Examiner arrived on scene and while processing the deceased, recovered a clear sandwich baggie containing a white crystalline substance. Another small baggie containing a white crystalline substance was recovered from the floor near the deceased. The baggies were recovered from the scene.
4. Agents took possession of the baggies containing the crystalline substances that were recovered from STOOL'S residence on February 26, 2022, the date of the fatal overdose of J.L. A field test was conducted on the crystalline substances in both bags and all tested positive for methamphetamine and fentanyl.
5. An autopsy was begun on J.L. by the Bexar County Medical Examiner on February 26, 2022. The toxicology report stated J.L. had methamphetamine and fentanyl in his system at the time of death. A copy of the final Medical Examiner's report was obtained. The final report lists J.L. dying as a result of toxic effects of methamphetamine and fentanyl.
6. On June 10, 2022, Agents were conducting surveillance at 1351 Lockhill Selma, San Antonio, Texas, Mark STOOL'S known address. During surveillance, Agents observed STOOL depart the location in a black Tesla bearing Texas License Plate PSM9405 and registered to Mark STOOL at 1351 Lockhill Selma, San Antonio, Texas. Agents maintained mobile surveillance on STOOL. Agents observed STOOL turn southeast onto

Lockhill Selma without utilizing a turn signal and travel south towards Blanco Rd. STOOL stopped at the red signal light at the intersection of Blanco Rd and Lockhill Selma. Agents observed STOOL stop inside the cross walk at the intersection. When the light turned green, STOOL proceeded onto Isom Rd towards San Pedro Ave. Agents observed STOOL turn north on San Pedro Ave without utilizing a turn signal. Agents relayed these traffic violations to uniformed patrol officers in marked patrol vehicles. The uniformed officers conducted a traffic stop on STOOL for the said traffic violation and STOOL pulled into the Whataburger parking lot located at W. Ramsey and San Pedro Ave. Officers contacted STOOL who is sitting in the front driver's seat of the vehicle. Upon making contact, the officer observed protruding from his left front pants pocket as if it was not fully pushed into the pocket what appeared to be a plastic baggie sticking out from a black zippered pouch. Officers could see what appeared to be a crystalline substance in the clear baggie. Officers asked STOOL to step out of the vehicle. STOOL was detained and a search of his person was conducted. The baggie sticking out of the zippered pouch was removed from hanging out of STOOL's pocket. The baggie contained a white crystalline substance, which the officers knew to be consistent with methamphetamine. Officers then recovered another plastic baggie with a white powdery substance, consistent with that of cocaine. A small white baggie that contained a white powdery substance was found inside STOOL'S wallet. The baggies that were recovered were consistent in style and size as those recovered from the scene of the fatal overdose of J.L. on February 26, 2022, at STOOL'S residence.

7. Officers read STOOL his Miranda Warnings and post Miranda STOOL admitted to the possession of the narcotics. STOOL advised officers that the narcotics were cocaine and methamphetamine. STOOL advised officers that he left his residence at 1351 Lockhill

Selma and was going to Whataburger. Officers asked STOOL if he would be willing to speak to a narcotics detective and he stated yes. Agents arrived on scene and asked STOOL if he had been read his Miranda Warnings and if he understood the warnings, to which he replied yes to both. Agents asked STOOL why he was arrested and he stated he left his residence and was going to Whataburger when he was stopped by law enforcement. He stated he had approximately 24 grams of methamphetamine on his person, along with a quarter ounce of cocaine. Agents asked STOOL why he would carry the narcotics with him to Whataburger and he stated he had a friend at his house and he did not want his friend to steal the narcotics. STOOL admitted to Agents that he is a distributor of narcotics and possibly had a few more grams of methamphetamine at his residence. Agents asked for consent to search STOOL'S cellular phone and his residence, to which he gave verbal and written consent for both.

8. Agents and officers relocated to 1351 Lockhill Selma, San Antonio, TX, which is located in the Western District of Texas, with STOOL. Agents entered the residence through an unlocked door with STOOL and STOOL showed Agents where the narcotics would be inside his room. Agents collected two baggies of what appeared to be methamphetamine from inside the residence. STOOL showed Agents a safe in a closet in his bedroom and provided Agents with the key. The safe was opened and Agents recovered a Texas Driver's License belonging to a male, J.L. Agents asked who J.L. was and STOOL stated J.L. was a friend that fatally overdosed in February of 2022 in STOOL'S bedroom. STOOL stated he gave J.L. methamphetamine and shortly thereafter J.L. died. After Agents finished the search at STOOL'S residence, STOOL was transported to the Castle Hills Police Department, located within Bexar County, Texas.

9. Agents conducted an interview of STOOL at the station. Prior to the interview, Agents asked STOOL if he remembered the Miranda Warnings and STOOL stated yes. At one point during the interview STOOL mentioned the Miranda Warnings again and Agents reminded STOOL that he did not have to speak to Agents if he did not wish to. STOOL continued to speak with Agents. STOOL advised Agents that he is a distributor of cocaine and methamphetamine and that up to about three weeks ago he also distributed fentanyl. Agents asked STOOL to go over the death of J.L. again. STOOL advised Agents once again that J.L. was a friend and that on the day of his death STOOL sold J.L. what STOOL stated was methamphetamine. STOOL stated he and J.L. both ingested the same methamphetamine that STOOL provided J.L.. They both then fell asleep after ingesting the substance STOOL provided, and when STOOL woke up later that afternoon, J.L. appeared to still be asleep and unresponsive. STOOL then left the residence and when he returned J.L. was in the same position he was in when STOOL departed but had turned grey. It was at this time STOOL realized J.L. was not unresponsive but deceased, and contacted the authorities, who pronounced J.L. dead at the scene.
10. Agents asked STOOL if he knew of any other deaths related to narcotics that he, himself, had distributed to the user. STOOL stated yes and proceeded to advise Agents of two additional deaths, including one involving a female, J.M. (DOB: 11/25/1996) in March of 2022, one involving a male, A.H. (DOB: 6/15/1956) in August of 2021, and one additional overdose that did not result in death due to the use of Narcan involving a female, M.M. (DOB: 3/18/1999) in January of 2022.
11. At the end of the recorded interview, the defendant further asked "So does this make me guilty of manslaughter?" When agents did not answer affirmatively that STOOL's actions

were in fact manslaughter, defendant stated, “yeah it is.” The interview was subsequently terminated and STOOL was transported to the Bexar County Jail, where he was booked without incident for the narcotics that were found in his possession during the traffic stop, and where he is currently being held.

SWORN telephonically before me by DEA TFO Hunter Westbrook on June 11, 2022.

A handwritten signature in black ink, appearing to read "Henry J. Bemporad", written over a horizontal line.

HENRY J. BEMPORAD
UNITED STATES MAGISTRATE JUDGE